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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 10/037,194 | 11/09/2001 | Haruyama Shinichi | 678-756 (P9786) | 6677 |
| 28249 | 7590 | 05/25/2006 | EXAMINER | |
| DILWORTH & BARRESE, LLP | | | JAMAL, ALEXANDER | |
| 333 EARLE OVINGTON BLVD. | | | | |
| UNIONDALE, NY 11553 | | | ART UNIT | PAPER NUMBER |
| | | | 2614 | |

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/037,194 | SHINICHI ET AL. | |
| | Examiner | Art Unit | |
| | Alexander Jamal | 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Based on the 3-10-2006 amendment, examiner notes that claims 1,3,6 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1,2 rejected under 35 U.S.C. 102(e) as being anticipated by Wong (6615026).**

As per claim 1, Wong discloses a plurality of antennas with each antenna coupled to power-feed phase control means (Col 3 lines 40-60, Fig. 5). The antennas are dipole antennas (Col 2 lines 45-57). Wong discloses that a radiation pattern is controlled to reduce the exposure of the human head to the radiation. The radiation pattern is controlled by controlling the amplitude or phase of the radiating elements which will control the phase and amplitude of any current fed into the antennas.

As per **claim 2**, the phase control means will adjust the power distribution ratio by varying the phases (and as such, the amplitudes) of each respective antenna signal. Wong further discloses directly controlling the amplitude of the radiating element which will also control the power distribution ratio of any current fed into the antennas. (Col 3 lines 40-45).

4. **Claims 3-5** rejected under 35 U.S.C. 102(e) as being anticipated by Tran (6184833).

As per **claims 3,4**, Tran discloses a portable phone (Figs. 14a,14b) with a dual strip antenna (dipole antenna pattern) arranged on a PCB surface (Col 6 line 61 to Col 7 line 5). Tran discloses the antenna may be micro-etched onto one side of a printed circuit board (a second surface) (Col 6 lines 65-68). Tran additionally discloses that the antenna may be mounted opposite to a mounted speaker in the device (Col 5 lines 45-55) (Col 10 lines 5-20). Examiner reads a PCB as any structure that supports said speaker (a first surface), and notes that mounting an antenna behind a speaker would be on the opposite side of the PCB that supports and electrically couples said speaker. The examiner notes that any supporting structure for the dual strip antenna (such as the ‘ground plane’ noted in Col 6 lines 60-65) could be considered an ‘antenna board’ as used in claim 4.

As per **claim 5**, the antenna (and it’s dielectric) form a multi-layered structure to be mounted on the PCB (Fig. 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 6** rejected under 35 U.S.C. 103(a) as being unpatentable over Tran (6184833), and further in view of Wong (6615026).

As per **claim 6**, Tran discloses a portable phone comprising a dipole antenna mounted on a PCB opposite a speaker (as per claim 3-5 rejections). However, Tran does not disclose that the antenna is a set of dipole antennas that are fed the same power through phase control means.

Wong discloses a plurality of antennas with each antenna coupled to phase control means as per the rejection of claims 1,2. Wong further teaches that an array of phase controlled antennas may be used to control the direction of the radiated energy (Col 3 lines 40-60) and allow for better reception. It would have been obvious to one of ordinary skill in the art at the time of this application that an array of antennas with phase controlled power-feed could be used in the portable phone for the advantage of greater control of the radiated signals and allowing greater transmission energy to be steered towards a base station away from the user's head.

Response to Arguments

7. Applicant's arguments with respect to claims 1-6 have been considered but are not persuasive.

As per applicant's arguments (remarks pages 5-6) that the propagation of radiation forward, away from a user's head as disclosed by Wong is not the same as controlling antenna radiation to reduce the electromagnetic fields in the vicinity of the user's head (as per claim 1), examiner disagrees. Steering radiation away from the user's head will reduce the electromagnetic fields in the vicinity of a user's head.

As per applicant's argument that the Tran reference does not disclose a dipole antenna (remarks page 6), examiner disagrees. The antenna of Fig. 4 is a dipole antenna consisting of two elements fed by the same source (404,412). Tran discloses additional dipole antennas such as shown in Tran Fig. 5a. Tran additionally notes that any angle and configuration could be used for the disclosed antenna patterns (Col 3 lines 40-50). Examiner further notes that a transverse T-shaped member may be attached to the end of the dual strip antenna (Col 3 lines 50-61). This structure could be read as yet another dipole antenna disclosed by Tran. Examiner reads a dipole antenna as two ends fed from the same source.

As per applicant's argument regarding claim 6, examiner notes the responses listed above.

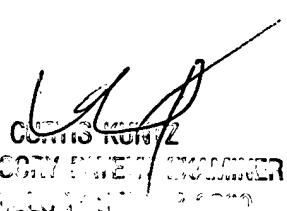
1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

AJ
May 22, 2006



CURTIS A. KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNICAL DIVISION 2
MAILED 5/22/2006